

○

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No.: SA 07-085M
	)	
Plaintiff,	)	ORDER OF DETENTION
	)	
vs.	)	[8 U.S.C. § 1326]
	)	
Jose Romero-Gueicochea,	)	
	)	
Defendant.	)	
_____	)	

Before the Court is the Government's request for an order detaining the defendant on the ground that there is a serious risk defendant will flee. The Government is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure defendant's appearance as required and the safety of any person or the community.

The Court has considered all of the evidence adduced at the hearing and the arguments and/or statements of counsel. The Court has also considered: (1) the nature and circumstances of the offenses; (2) the weight of evidence against the defendant; (3) the history and characteristics of the defendant; and (4) the nature and seriousness of the danger to any person or the community.

1 The Court finds that no condition or combination of conditions will reasonably assure the  
2 defendant's appearance as required, and that the defendant is a flight risk because of the following  
3 factors:

- 4 (X ) status as an illegal alien,
- 5 (X ) insufficient bail resources,
- 6 (X ) insufficient ties to the local community and strong ties to a foreign country,
- 7 ( ) current state custodial status,
- 8 (X ) use of aliases and/or multiple name variations,
- 9 ( ) prior failure to appear,
- 10 ( ) use of more than one social security number, and ( ) more than one birth date,
- 11 ( ) unstable/lack of employment history,
- 12 ( ) prior violation(s) of probation and/or parole,
- 13 (X ) criminal history,
- 14 ( ) history of illegal drug use or substance abuse, and
- 15 (X ) prior removal.
- 16 (X ) Pretrial Services's report and recommendation to detain the defendant for the  
17 reasons set forth in the Pretrial Services's report.

18 IT IS THEREFORE ORDERED that defendant be: (1) detained prior to trial and committed to  
19 the custody of the Attorney General for confinement in a corrections facility separate, to the extent  
20 practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and (2)  
21 afforded reasonable opportunity for private consultation with counsel. IT IS FURTHER ORDERED  
22 that, on order of a Court of the United States or on request of any attorney for the Government, the person  
23 in charge of the corrections facility in which defendant is confined deliver defendant to a United States  
24 marshal for the purpose of an appearance in connection with a court proceeding.

25  
26 Dated: March 30, 2007

27 ARTHUR NAKAZATO  
28 ARTHUR NAKAZATO  
UNITED STATES MAGISTRATE JUDGE